

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10581 NMG

YVETTE LOCKHART-BEMBERY,)
Plaintiff)
VS.)
TOWN OF WAYLAND POLICE DEPARTMENT,)
ROBERT IRVING, in his capacity as CHIEF OF THE)
WAYLAND POLICE DEPARTMENT and)
DANIEL SAURO)
Defendants)

MOTION OF DEFENDANTS' IN LIMINE TO
EXCLUDE ANY REFERENCE TO THIS CASE
AS A POLICE STOP

The defendants in the above-referenced case hereby move, *in limine*, to request this Court to instruct the plaintiff and her counsel not to suggest to the jury that this was a police stop.

In support thereof, the defendants state as follows:

1. The plaintiff was driving her vehicle on Route 30 on the Wayland/Natick line when her car broke down on February 6, 2002.
2. The defendant, Sergeant Daniel Sauro of the Wayland Police Department was dispatched to the area where the plaintiff had broken down.
3. At no time did Sergeant Daniel Sauro stop the plaintiff's vehicle, nor prevent the plaintiff from leaving the area.
4. The defendants suggest that they would be prejudiced if the plaintiff and/or her counsel were allowed to reference this matter as a stop in light of the fact that there is no evidence to support it.

WHEREFORE, the defendants ask this Court to Order the plaintiff and/or counsel not to reference this accident as a police stop.

Respectfully submitted,
The Defendants,
By their attorneys,

/s/ Jeremy Silverfine
Jeremy Silverfine, BBO No. 542779
Leonard H. Kesten, BBO No. 542042
Brody, Hardoon, Perkins & Kesten, LLP
One Exeter Plaza
Boston, MA 02116
(617) 880-7100

Dated: January 9, 2006